

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner works on a farm and is a single person household.
2. The petitioner supplied the Department with wage information documenting that she earned \$1,091.17 per month. The Department applied the \$90 per month employment disregard leaving countable income of \$1,001.17 per month. Based on the regulations, *infra*, the Department determined on February 13, 2008 that petitioner's eligibility for VHAP was contingent on the payment of a \$33 premium per month.

3. Petitioner requested a fair hearing on February 29, 2008 to challenge the amount of the premium. At the April 17, 2008 telephone hearing, petitioner noted that her income had decreased. The case was continued to allow the Department to recalculate the amount of the premium.

4. Petitioner supplied the Department with weekly income for the period of March 21 through April 11, 2008. Based on these figures, the Department determined monthly income of \$1,021.25. After applying the \$90 employment disregard, petitioner had countable income of \$931.25 per month. Although petitioner's income had decreased, her countable income still fell within the income range for a premium of \$33.

5. The hearing process was completed on June 11, 2008.¹

ORDER

The Department's VHAP premium determination is affirmed.

REASONS

Under the VHAP regulations, all earned income, except a \$90 disregard, is included as countable income for eligibility. W.A.M. § 4001.81(b). Petitioner meets the

¹ Due to petitioner's lack of transportation and responsibilities on the farm, scheduling a follow-up telephone hearing had been difficult.

eligibility criteria for VHAP provided she pays the premium set by regulation.

The Department adopted regulations establishing monthly premiums beginning on January 1, 2004 in response to a legislative directive (Act 66 of 2003) to enact cost-saving measures to sustain public health care assistance programs. W.A.M. § 4001.91, Bulletin No. 03-17F. Because petitioner's countable income falls between 100 percent to 150 percent of the federal poverty guideline, the Department correctly assessed a \$33 monthly premium. W.A.M. § 4001.91, P-2420B3.

Petitioner explained that she does not have the funds to pay the assessed premium due to her expenses for housing, food, transportation to work and other necessities; she asked for an arrangement in which she pays what she can afford. The Board is sympathetic to petitioner's situation, but the Board must apply the regulations as written since the regulations comply with state law.

Based on the foregoing, the Department's decision to assess petitioner a \$33 monthly premium for VHAP services is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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